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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,599	01/30/2004	Bernardo Ayala	BA01-01U	5201

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/767,599	Applicant(s) AYALA, BERNARDO	
	Examiner Cassandra Davis	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/28/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 11, 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 11 and 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson, U. S. Patent 6,604,840 in view of Yu, U. S. Patent 6,526,680 and Dalton et al. US 20040201992A1.
3. Watson teaches an illuminated sign comprising a frame structure 12 capable of retaining a replaceable image/sign 8, a power storage device 44 located within the frame structure 12, a variable power control device (photoelectric light switch 70) located within the frame structure, and plurality of LED light sources 50 located in front of the image to shine light onto the image/sign 8.
4. Watson does not teach the frame structure surrounding the image/sign. In addition, Watson does not teach the variable power control mechanism that varies the intensity of the LED light sources such that the

intensity of the light source supplements ambient light or a frame structure surrounding the image/sign.

5. Dalton et al. teaches an illuminated means comprising a housing 11, light sources 2, a light dependent resistor (LDR) 750, and power supply in the form of a battery 620, 20. Dalton also teaches a circuit board which optionally contains a circuit that senses the ambient light and adjust the brightness of the lights 2 in response to brightness of the ambient light. Dalton teaches the circuit will sense the ambient light and regulate the energy going to the lamps in proportion to the amount of the light that has be sensed. Thus, the light is decreased when the ambient light level is increased and the light is increased as the ambient light level decreases. See claims 24 and 25 of Dalton.

Yu teaches an illuminated license plate holder comprising a frame member 4 surrounding the license plate.

It would have been obvious to one having ordinary skill in the art at time this invention was made to construct the illuminated sign taught by Watson with the switch and circuit board taught by Dalton to provide a means to adjust the intensity of the light so that the sign is always visible regardless of the ambient or surrounding light.

It would have been obvious to one having ordinary skill in the art at time this invention was made to construct the illuminated sign taught by Watson and Dalton with a frame structure surrounding the image/sign as taught by Yu to provide a means to evenly illuminated the entire perimeter of the sign.

With respect to claim 2, 16, and 22, since the applicant does not disclose that making the frame of wood, plastic, or metal solves any stated problem or is for any particular purpose, it appears that constructing the frame of any suitable material as taught by Watson would perform equally well in storing and display the picture/sign.

With respect to claims 3, 4, 11, and 18, Watson teaches the power source is a rechargeable battery. See column 3, lines 26-27.

With respect to claims 5, 12, and 19, Watson teaches the light source can be a LED, incandescent or other miniature lights. See column 3, lines 27-32.

With respect to claim 6, 9, 13, and 17, Watson teaches a sign is flat panel with indicia thereon.

With respect to claim 7, 14, and 20, Dalton teaches a circuit board for electrically connecting various electrical components.

Response to Arguments

6. Applicant's arguments with respect to claims 1 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
August 7, 2006